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Re:	Serial No. 10/007,105 Art Unit: 3627		

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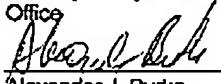
Attached is the following: Appeal Brief 40 pp

For Application No.: 10/007,105
 Filing Date: December 4, 2001
 First Named Inventor: William A. Banks et al.
 Art Unit: 3627
 Attorney Docket: 2001P07389US01

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APR 03 2006

01P07389US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicant : William A. Banks et al.

Serial No. : 10/007,105

Filed : December 4, 2001

For : A SYSTEM FOR PROCESSING PRODUCT INFORMATION IN SUPPORT OF COMMERCIAL TRANSACTIONS

Examiner : Michael A. Cuff

Art Unit : 3627

APPEAL BRIEF

May It Please The Honorable Board:

Appellants appeal the Final Rejection, dated November 4, 2005, of Claims 1 - 26 of the above-identified application. The fee of five hundred dollars (\$500.00) for filing this Brief and any associated extension fee is to be charged to Deposit Account No. 19-2179. Enclosed is a single copy of this Brief.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

Appellants do not request an oral hearing.

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I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 10/007,105 is the Assignee of record:

Siemens Medical Solutions Health Services Corporation
51 Valley Stream Parkway
Malvern, PA 19355-1406

II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 10/007,105.

III. STATUS OF THE CLAIMS

Claims 1-26 are rejected and the rejection of claims 1 - 26 are appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 recites a system for processing product information for supporting commercial transactions. A first database maintains product information including product description, product vendor and associated vendor product pricing information (page 2, lines 2-3). A data processor receives product information and updates the first database information to incorporate received product information (page 2, lines 3-5) including product sales data and contract sales terms of a vendor (page 3, lines 12-15) in response to detection of matching records between the received product information and the first database information (page 2, lines 5-6). An interface processor communicates

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updated product price information to a system derived based on the product sales data and contract sales terms of the vendor in response to user command (page 3, lines 17-19).

Dependent claim 2 includes the features of independent claim 1 along with the additional feature that the data processor recalculates purchase pricing of products using the product sales data (page 5, line 21) and detects matching records by matching elements between the received product information and the first database information comprising (a) a matching vendor and (b) a matching information item in a record associated with the matched vendor (page 5, lines 37 -- page 6, line 2).

Dependent claim 3 includes the features of dependent claim 2 along with the additional feature that the data processor recalculates purchase pricing of products using the contract sales terms (page 12, lines 5-21) and updates the first database information to incorporate received product information in response to manual user data entry of at least one of (a) update approval, (b) product matching information and (c) approval identifying a received product information item matches a corresponding item in said first database (page 6, lines 16-29).

Independent claim 4 recites a system for processing product information for supporting commercial transactions. A first database maintains product information including product description, product vendor and associated vendor product pricing information (page 2, lines 2-3). A data processor receives product information and updates the first database information to incorporate received product information (page 2, lines 3-5) including product sales data and contract sales terms of a vendor (page 3, lines 12-15) and recalculates purchase pricing of products using the product sales data and contract sales terms (page 12, lines 5-21) in response to detection of a difference between stored product

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information and the received product information (page 5, lines 20-26). An interface processor communicates updated product price information to a system derived based on the product sales data and contract sales terms of the vendor in response to user command (page 3, lines 17-19).

Dependent claim 6 includes the features of independent claim 4 along with the additional feature that the data processor processes the received product information to at least one of, (a) identify incorrect product prices, (b) identify purchase contractual discrepancies, and (c) identify items not covered by a purchase contract (page 5, lines 14-28).

Dependent claim 13 includes the features of independent claim 4 along with the additional feature that the data processor matches records between the received product information and the first database information by matching (a) corresponding part numbers, (b) corresponding item descriptions, (c) corresponding product names and (d) corresponding UPN codes (page 9, lines 32-35).

Dependent claim 14 includes the features of independent claim 4 along with the additional feature that the data processor automatically synchronizes product information in the first database with corresponding product information in a remote second database by updating product information in the first database to match corresponding product information in the second database in response to at least one of, (a) detection of a difference between product information in the first database and the second database and (b) periodic update initiation (page 5, lines 29-34; page 6, lines 16-17).

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Dependent claim 15 includes the features of independent claim 4 along with the additional feature that the data processor synchronizes product information in the first database with corresponding product information in a remote second database by updating product information in the first database to match corresponding product information in the second database in response to manual user data entry of at least one of (a) update approval, (b) product matching information and (c) approval identifying a received product information item matches a corresponding item in said first database (page 6, lines 16-29, 33-36).

Independent claim 16 recites a system for processing product information for supporting commercial transactions. A bidirectional communication processor supports communication with a remote application (page 4, liens 9-11; FIG 1, 31). A first database maintains product information including product description, product vendor and associated vendor product pricing information (page 2, lines 2-3). An update processor communicates product usage information including product sales data and contract sales terms of a vendor to a remote application employing a second database of product information (page 3, lines 12-15). The update processor updates product price information in the first database with corresponding acquired product information derived from the product sales data and contract sales terms in the remote second database using the communication processor in response to detection of a difference between product information in the first database and the second database (page 5, lines 20-26).

Dependent claim 18 includes the features of independent claim 16 along with the additional feature that the update processor stores the acquired product information from the remote second database in a mapping table and uses the mapping table in matching

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items in the acquired product information with corresponding items in the first database product information (page 5, lines 32-35).

Dependent claim 19 includes the features of independent claim 16 along with the additional feature that the update processor matches product information in the first database with corresponding acquired product information derived from the remote second database by matching, (a) corresponding part numbers, (b) corresponding item descriptions, (c) corresponding product names and (d) corresponding UPN codes (page 6, lines 26-32).

Dependent claim 20 includes the features of independent claim 16 along with the additional feature that the update processor recalculates purchase pricing of products using the product sales data and contract sales terms and updates the first database (page 12, lines 5-21).

Independent claim 21 recites a system for maintaining and processing a catalog of product information for supporting commercial transactions. A bidirectional communication processor supports communication with a remote application (page 4, lines 9-11; FIG 1, 31). A catalog database maintains product information including product description, product vendor and associated vendor product pricing information (page 2, lines 2-3). A catalog data processor employs the communication processor in receiving product usage information including product sales data and contract sales terms of a vendor from a remote application (page 3, lines 12-15), identifying differences between data in the received product usage information and the catalog database product information (page 5, lines 29-34), and communicating product price information to the remote application derived based on the product sales data and contract sales terms of the vendor in response to the identified differences (page 5, lines 20-26).

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Dependent claim 24 includes the features of independent claim 21 along with the additional feature that the catalog data processor processes the received product usage information to at least one of, (a) identify incorrect product prices, (b) to recalculate purchase pricing of products in the product usage information, (c) identify purchase contractual discrepancies, and (d) identify items not covered by a purchase contract (page 5, liens 22-26).

Dependent claim 25 includes the features of independent claim 21 along with the additional feature that the catalog data processor recalculates purchase pricing of products using the product sales data and contract sales terms in providing updated product information for communication to the remote application in response to the identified differences (page 5, lines 20-26).

Independent claim 26 recites a method for processing product information for supporting commercial transactions. In a first database, product information including product description, product vendor and associated product pricing information is maintained (page 2, lines 2-3). Product information is received from a remote application (page 5, lines 5-7). The first database information is updated to incorporate received product information in response to detection of a difference between stored product information and the received product information (page 5, lines 32-34). At least one element of the updated product information in the first database is automatically updated according to predetermined rules (page 6, lines 16-20). Display of at least one of updated and modified product information is initiated in response to user command (page 6, lines 20-22).

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Litzow et al. (U.S. Patent Application Publication US 2003/0093414 A1).

VII. ARGUMENT

Litzow neither anticipates nor makes unpatentable the present claimed invention. Thus, reversal of the Final Rejection (hereinafter termed "rejection") of claims 1-26 under 35 U.S.C. § 102(e) is respectfully requested.

Overview of the Cited References

Litzow describes a method and system for defining commercial transaction components and defining rules for mapping customer transactions into individual components. The market is segmented in light of these individual definitions and the individual components of an offer are bundled into optimized packages for presentation and sale. The system examines the commercial behavior of enrolled customers, breaks each of the constituent transactions into purchases of atom-level components; catalogues those components; extracts demographic information from the transactions and other sources; facilitates demographic studies of groups of such customers; optimizes offerings to such groups; and facilitates the consummation of those offers of sale (see Abstract).

Rejection of Claims 1-26 under 35 U.S.C. 102(e)

over Litzow (U.S. Patent Application Publication US 2003/0093414 A1)

Reversal of the Final Rejection (hereinafter termed "rejection") of claims 1-26 under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication US 2003/0093414 A1 filed by Litzow is respectfully requested because the rejection makes

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crucial errors in interpreting the cited reference. The rejections erroneously states that claims 1-26 are anticipated by Litzow.

CLAIM 1

The Rejection on page 2 fundamentally miss-understands and miss-interprets the Litzow reference and erroneously alleges that Litzow shows "a data processor for receiving product information and for updating said first database information to incorporate received product information including product sales data and **contract sales terms** of a vendor in response to detecting of matching records between said received product information and said first database information" and also discloses "an interface processor for communicating **updated product price** information to a system derived based on said product sales data and contract sales terms of said vendor in response to user command" as in the present claimed invention. This error is made in connection with all the Application claims. Litzow provides no 35 USC 112 compliant enabling disclosure regarding "contract sales terms," or of "updated product price information" that are "derived based on said product sales data AND contract sales terms" as in the present claimed invention. Rather, Litzow provides a system to determine what product is the best match for the consumer based on a variety of variables. Litzow seeks to provide a more direct and effective marketing strategy by tracking an individual consumer's spending habits and offering that consumer goods he has a history of purchasing or goods purchased by individuals with similar demographic information (page 5, paragraph [0054]). The present claimed invention, on the other hand, seeks to continuously update and maintain accurate product pricing based on "product sales data" and "contract sales terms" of a vendor. These purchasing contracts cause the product price to change based on numerous variables. The present claimed invention seeks to ensure that accurate pricing data is used before transactions are generated and sent to a supplier, thus eliminating the need for price

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and invoice adjustments. Additionally, Litzow makes no mention of a pre-established relationship between suppliers and purchasers as in the present claimed invention. Rather Litzow is concerned with selecting a supplier or vendor to provide a better matched product to consumer based on the history of purchases made by the consumer.

Also, Figure 3 of Litzow shows the preferred components of the data processing system, including a customer database storing customer profiles, billing information, historical information, third party information and survey results, a transaction database storing elemental definitions of goods and services and a vendor database storing vendor identification, offers, offer information and routing information. The absence from Litzow of any mention of updating product pricing and contract sales terms in conjunction with Litzow's purpose (i.e. a system for better matching products to consumers via marketing) clearly supports Applicants conclusion that Litzow neither contemplates the claimed features nor recognizes any need for them.

Additionally, the Rejection acknowledges the purpose of the Litzow system is performing "a systematic resolution of database records for predictive matching of consumers and offers" (emphasis added). This is NOT the "updating first database" as suggested in the Rejection. Specifically, the "predictive matching" cannot reasonably be interpreted as disclosing "updating said first database...including product sales data and contract sales terms" as in the present claimed invention. The nature of predictive matching performed by Litzow cannot reasonably be equated with the "update" performed by the present claimed invention because the use of "contract sales terms" presupposes a relationship between the parties to the commercial transaction. In contrast, Litzow looks to past individually performed transactions between a customer and a vendor to determine potential future transactions to be made by the customer (see Litzow Fig. 3 and 4). Thus,

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the reconciliation for the purposes of predictive matching as stated in the Rejection, is NOT sufficient disclosure that complies with 35 USC 112 and which would anticipate the present claimed invention. Consequently, withdrawal of the rejection of Claim 1 under 35 USC 102(e) is respectfully requested.

CLAIM 2

Dependent claim 2 is considered to be patentable based on its dependence on claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 2. Claim 2 is also considered to be patentable because Litzow neither discloses nor suggests that the "data processor recalculates purchase pricing of products using said product sales data and detects matching records by matching elements between said received product information and said first database information comprising (a) a matching vendor and (b) a matching information item in a record associated with said matched vendor" as in the present claimed invention. Litzow provides no 35 USC 112 enabling disclosure of a system that "recalculates purchase pricing of products." Rather, Litzow is concerned with matching the customer with the product he/she is most likely to buy. The present invention, on the other hand, deals with matching the product information with the appropriate vendor and "a matching information item in a record associated with said matched vendor" to synchronize price, vendor, product and other information (Application page 5, lines 29-30).

The Rejection cites Figure 3 of Litzow as disclosing a system for "recalculating purchase pricing" and thus, anticipating the present claimed invention. Applicant respectfully disagrees. Nowhere in Figure 3 or the corresponding detailed description in paragraphs [0086] – [0090] is there any mention of "recalculate[ing] purchase price using said product sales data". Rather, Litzow merely provides offers of products including cost

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of product to a consumer based on an evaluation of the individual consumer's prior purchase habits and/or an evaluation of a consumer demographic information (see Litzow, para. [0054] and [0057]. This is NOT equivalent to the "recalculation" performed by the claimed system. Furthermore, as Litzow is silent with respect to "contract sales terms of a vendor", Litzow is unable to "detect[s] matching records by matching elements between said received product information and said first database information" because the "received product information" of the present claimed invention includes an element ("contract sales terms") neither disclosed nor suggested by Litzow. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 2 is not anticipated by Litzow. Consequently, withdrawal of the rejection of claim 2 under 35 USC 102(e) is respectfully requested.

CLAIM 3

Dependent claim 3 is considered to be patentable based on its dependence on claims 1 and 2. Therefore, the arguments presented above with respect to claims 1 and 2 also apply to claim 3. Claim 3 is also considered to be patentable because Litzow neither discloses nor suggests "said data processor recalculates purchase pricing of products using said contract sales terms and updates said first database information to incorporate received product information in response to manual user data entry of at least one of (a) update approval, (b) product matching information and (c) approval identifying a received product information item matches a corresponding item in said first database" as in the present claimed invention. As described above with respect to claim 1, Litzow makes no mention or suggestion of a system that uses "contract sales terms of vendors" in any fashion, let alone for use in "updating said first database" as in the present claimed invention. Litzow is primarily concerned with directly and efficiently marketing a product

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to a consumer, and NOT with continuously updating and maintaining accurate product pricing based on contract terms as in the present claimed invention.

The Rejection cites Figure 3 of Litzow as disclosing "recalculating purchase pricing" and thus, anticipating the present claimed invention. Applicant respectfully disagrees. Nowhere in Figure 3 or the corresponding detailed description in paragraphs [0086] – [0090] is there any mention of "recalculate[ing] purchase price using said contract sales terms". Rather, Litzow merely provides offers of products including cost of product to a consumer based on an evaluation of the individual consumers prior purchase habits and/or an evaluation of a consumer demographic (see Litzow, para. [0054] and [0057]). This is NOT equivalent to the "recalculation" performed by the claimed system. Furthermore, as Litzow is silent with respect to "contract sales terms of a vendor", Litzow is unable to perform the function of the claimed system. As discussed above with respect to claim 1, the update performed by Litzow is unlike the "update" of the present claimed invention because the data used during the Litzow update (prior purchase data) is wholly unrelated to the data used in the "update" of the present claimed invention ("product sales data and contract sales terms of a vendor").

Furthermore, there is no 35 USC 112 compliant enabling disclosure that the "update" of the "first database information" is performed "in response to manual user data entry of at least one of (a) update approval, (b) product matching information and (c) approval identifying received product information item matches a corresponding item in said first database" as in the present claimed invention. The Rejection fails to identify support in Litzow that allows one to reasonably conclude that this feature is disclosed or suggested in Litzow. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 3 is not

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anticipated by Litzow. Consequently, withdrawal of the rejection of claim 3 under 35 USC 102(e) is respectfully requested.

CLAIMS 4, 5 and 7-12

Independent claim 4 is considered to be patentable for reasons given in connection with claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 4. Specifically, Litzow neither discloses nor suggests “updating said first database information to incorporate received product information including product sales data and contract sales terms of a vendor” as in the present claimed invention. Litzow also neither discloses nor suggests a system that “recalculates purchase pricing of product using said product sales data and contract sales terms in response to detection of a difference between stored product information and said received product information” as in the present claimed invention. Nowhere does Litzow mention recalculating the purchase price of a product, let alone recalculating the price “using said product sales data and contract sales terms in response to detection of a difference between stored product information and said received product information” as in the present claimed invention.

The Rejection cites Figure 3 of Litzow as disclosing “recalculating purchase pricing” and thus, anticipating the present claimed invention. Applicant respectfully disagrees. Nowhere in Figure 3 or the corresponding detailed description in paragraphs [0086] – [0090] is there any mention of “recalculate[ing] purchase price using said contract sales terms”. Rather, Litzow merely provides offers of products including cost of product to a consumer based on an evaluation of the individual consumers prior purchase habits and/or an evaluation of a consumer demographic (see Litzow, para. [0054] and [0057]). This is NOT equivalent to the “recalculation” performed by the claimed system. Furthermore, as Litzow goes silent with respect to “contract sales terms of a vendor”,

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Litzow is unable to perform the function of the claimed system. As discussed above with respect to claim 1, the update performed by Litzow is unlike the "update" of the present claimed invention because the data used during the Litzow update (prior purchase data) is wholly unrelated to the data used in the "update" of the present claimed invention ("product sales data and contract sales terms of a vendor").

Furthermore, Litzow fails to disclose or suggest "an interface processor for communicating updated product price information to a system derived based on said product sales data and contract sales terms of said vendor in response to user command" as in the present claimed invention. Rather, Litzow shows augmenting the customer database with data from questionnaires and supplemental information from third parties (Litzow, para. [0092]). Adding information to a customer database is not equivalent to "communicating updated product price information to a system derived based on said product sales data and contract sales terms of said vendor in response to user command" as in the present claimed invention. Specifically, these action performed by Litzow is incompatible with the present claimed invention because Litzow fails to update product price information by "recalculating purchase pricing of products using product sales data and contract sales terms" as in the present claimed invention. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 4 is not anticipated by Litzow. Consequently, withdrawal of the rejection of Claim 4 under 35 USC 102(e) is respectfully requested.

Dependent claims 5 and 7-12 are considered to be patentable for the reasons given in connection with claim 4. Thus, it is respectfully submitted that the present invention as claimed in claims 5 and 7-12 is similarly not anticipated by Litzow. Consequently,

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withdrawal of the rejection of claims 5 and 7-12 under 35 USC 102(e) is respectfully requested.

CLAIM 6

Dependent claim 6 is considered to be patentable based on its dependence on claim 4. Therefore, the arguments presented above with respect to claim 4 also apply to claim 6. Claim 6 is also considered to be patentable because Litzow neither discloses nor suggests that the "data processor processes said received product information to at least one of, (a) identify incorrect product prices, (b) identify purchase contractual discrepancies, and (c) identify items not covered by a purchase contract" as in the present invention. As described above with respect to claim 4, Litzow nowhere mentions "purchasing contract terms". Litzow matches a list of potential customers who are likely to purchase a product with the vendor selling the product and communicates this offer to the potential customer, thereby likely providing the vendor with a sale without advertising or marketing (page 10, paragraph [0125]). The present claimed invention, on the other hand, deals with synchronizing price, vendor, product and other information between the purchasing system and the e-catalog database system.

The Rejection erroneously cites item 114 in Figure 4 as disclosing the claimed system because item 114 allows for a request for additional information. Figure 4 of Litzow is concerned with the process of enrolling a customer to enable the customer to receive offers based on prior purchase history. Once enrolled (step 113 in Fig. 4), the Litzow system looks to determine if the customer information acquired in the enrollment step is complete or if any inconsistencies exist. The Litzow system then requests supplemental information (see para. [0092]). This is wholly unlike and unrelated to the present claimed system. Specifically, the Litzow system in Figure 4 is not at all concerned

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with "received product information". Rather, Litzow, as clearly stated, is concerned with obtaining information about the customer (see para. [0091]. Therefore, Litzow cannot possibly "process[es] said received product information to at least one of, (a) identify incorrect product prices, (b) identify purchase contractual discrepancies, and (c) identify items not covered by a purchase contract" to ensure a purchase order is in compliance with supplier current purchasing contract terms (Application page 5, lines 24-26). Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 6 is not anticipated by Litzow. Consequently, withdrawal of the rejection of Claim 6 under 35 USC 102(e) is respectfully requested.

CLAIM 13

Dependent claim 13 is considered to be patentable based on its dependence on claim 4. Therefore, the arguments presented above with respect to claim 4 also apply to claim 13. Claim 13 is also considered to be patentable because Litzow neither discloses nor suggests "said data processor matches records between said received product information and said first database information by matching (a) corresponding part numbers, (b) corresponding item descriptions, (c) corresponding product names and (d) corresponding UPN codes" as in the present claimed invention. Litzow discloses matching with regard to matching a customer to an offer of a product by a vendor. Litzow recites "the Matching Engine analyzes the offer in light of the customer's prior use of it or of a similar product or in light of need for such product demonstrated by demographics or the constellation of other purchases stored in the Customer Database" (Litzow, para [0125]). This is wholly unlike the present claimed invention which "matches records between said received product information and said first database information by matching (a) corresponding part numbers, (b) corresponding item descriptions, (c) corresponding product names and (d) corresponding UPN codes". Litzow performs a winnowing process

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to determine which of the enrolled customers are likely to purchase the item from the vendor. This is not "matching" using any or all of the elements (a) – (d) as claimed in claim 13 of the present invention. The present claimed invention is concerned with "recalculating purchase pricing information" in response to "product sales data and contract sales terms" and uses this, as well as elements (a) – (d) of claim 13 to "match records". The use of this information for the claimed purpose is neither disclosed nor suggested by Litzow. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 13 is not anticipated by Litzow. Consequently, withdrawal of the rejection of Claim 13 under 35 USC 102(e) is respectfully requested.

CLAIM 14

Dependent claim 14 is considered to be patentable based on its dependence on claim 4. Therefore, the arguments presented above with respect to claim 4 also apply to claim 14. Claim 14 is also considered to be patentable because Litzow neither discloses nor suggests that the "data processor automatically synchronizes product information in said first database with corresponding product information in a remote second database by updating product information in said first database to match corresponding product information in said second database in response to at least one of, (a) detection of a difference between product information in said first database and said second database and (b) periodic update initiation" as in the present claimed invention. Litzow in paragraph [0092] and Figure 4 describes requesting and receiving supplemental information when the information for a customer is either incomplete or contains apparently inconsistent information. The supplemental information is additional information to make the customer profile complete, it is not providing the most updated product information, as in the present invention. Litzow, in this cited passage and elsewhere in the application,

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provides no 35 USC 112 enabling disclosure of a system that performs the automatic synchronization of "product information" as in the present claimed invention. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 14 is not anticipated by Litzow. Consequently, withdrawal of the rejection of Claim 14 under 35 USC 102(e) is respectfully requested.

CLAIM 15

Dependent claim 15 is considered to be patentable based on its dependence on claim 4. Therefore, the arguments presented above with respect to claim 4 also apply to claim 15. Claim 15 is also considered to be patentable because Litzow neither discloses nor suggests that the "data processor synchronizes product information in said first database with corresponding product information in a remote second database by updating product information in said first database to match corresponding product information in said second database in response to manual user data entry of at least one of (a) update approval, (b) product matching information and (c) approval identifying a received product information item matches a corresponding item in said first database" as in the present claimed invention. As described above with respect to claim 14, Litzow does not disclose or suggest "updating product information" as in the present claimed invention. Rather, Litzow describes supplementing customer information with additional information when the system determines the information "is either incomplete or contains apparently inconsistent information" (Litzow, para. [0092]). Thus, Litzow provides no 35 USC 112 compliant enabling disclosure of a system that "synchronizes product information" according to claimed invention. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 15 is not anticipated by Litzow. Consequently, withdrawal of the rejection of Claim 15 under 35 USC 102(e) is respectfully requested.

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CLAIMS 16 and 17

Independent claim 16 is considered to be patentable for reasons given in connection with claims 1 and 4. Therefore, the arguments presented above with respect to claims 1 and 4 also apply to claim 16. Specifically, Litzow neither discloses nor suggests "an update processor for communicating product usage information including product sales data and contract sales terms of a vendor to a remote application employing a second database of product information, and for updating product price information in said first database with corresponding acquired product information derived from said product sales data and contract sales terms in said remote second database using said communication processor in response to detection of a difference between product information in said first database and said second database" as in the present claimed invention. Litzow provides no 35 USC 112 compliant enabling disclosure of "product sales data and contract sales terms" for use in "updating product price information" as in the present claimed invention. Litzow is merely concerned with matching a vendor selling a product with the customer most likely to purchase the offered product, without resorting to traditional forms of advertising and marketing. The present claimed invention, on the other hand, is concerned with continuously updating and maintaining accurate product pricing based on contract terms. The purchasing contracts cause the product price to change based on several variables. The system of the present claimed invention is concerned with ensuring that accurate pricing data is used before transactions are generated and sent to a supplier, thus eliminating price and invoice adjustments. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 16 is not anticipated by Litzow. Consequently, withdrawal of the rejection of Claim 16 under 35 USC 102(e) is respectfully requested.

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Dependent claim 17 is considered to be patentable for the reasons given in connection with claim 16. Thus, it is respectfully submitted that the present invention as claimed in claim 17 is similarly not anticipated by Litzow. Consequently, withdrawal of the rejection of claim 17 under 35 USC 102(e) is respectfully requested.

CLAIM 18

Dependent claim 18 is considered to be patentable based on its dependence on claim 16. Therefore, the arguments presented above with respect to claim 16 also apply to claim 18. Claim 18 is also considered to be patentable because Litzow neither discloses nor suggests that the "update processor stores said acquired product information from said remote second database in a mapping table and uses said mapping table in matching items in said acquired product information with corresponding items in said first database product information" as in the present claimed invention. Litzow recites on page 8 in paragraph [0093] "[I]n the course of the analysis 116 of demographic data, the Matching Engine determines a demographic factor for segmentation of markets is necessary, and, it further determines, that information with regard to that factor does not exist for a particular customer, the Matching Engine software will compose a question or series of questions or data queries to determine the existence or non-existence of this factor for that customer." This passage exemplifies the 'matching' performed by Litzow. The matching in Litzow is to provide a complete customer profile. This is wholly unlike the present claimed invention which employs "mapping tables in matching items in said acquired product information with corresponding items in said first database product information". Thus, the matching performed in the present claimed invention is used to provide the most updated product information which is then used to ensure accurate pricing data. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow,

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Applicant respectfully submits that claim 18 is not anticipated by Litzow. Consequently, withdrawal of the rejection of claim 18 under 35 USC 102(e) is respectfully requested.

CLAIM 19

Dependent claim 19 is considered to be patentable based on its dependence on claim 16. Therefore, the arguments presented above with respect to claim 16 also apply to claim 19. Claim 19 is also considered to be patentable because Litzow neither discloses nor suggests "said update processor matches product information in said first database with corresponding acquired product information derived from said remote second database by matching, (a) corresponding part numbers, (b) corresponding item descriptions, (c) corresponding product names and (d) corresponding UPN codes" as in the present claimed invention. As argued with respect to claim 18, the matching described in Litzow is not equivalent to the matching described in the present claimed invention. Litzow matches vendors selling a product with consumers likely to buy the product. The present claimed invention, on the other hand, "matches product information in said first database with corresponding acquired product information derived from said remote second database by matching, (a) corresponding part numbers, (b) corresponding item descriptions, (c) corresponding product names and (d) corresponding UPN codes" in order to ensure accurate and up-to-date pricing information. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 19 is not anticipated by Litzow. Consequently, withdrawal of the rejection of claim 19 under 35 USC 102(e) is respectfully requested.

CLAIM 20

Dependent claim 20 is considered to be patentable based on its dependence on claim 16. Therefore, the arguments presented above with respect to claim 16 also apply to

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claim 20. Claim 20 is also considered to be patentable because Litzow neither discloses nor suggests "said update processor recalculates purchase pricing of products using said product sales data and contract sales terms and updates said first database" as in the present claimed invention. Litzow provides no 35 USC 112 enabling disclosure of a system that "recalculates purchase pricing of products" at all, let alone recalculating the purchase price of products "using said product sales data and contract sales terms," as in the present claimed invention. Litzow has no reason to recalculate purchase prices because Litzow is concerned with matching consumers with vendors selling products, not with ensuring accurate pricing data is used before transactions are generated and sent to a supplier, thus eliminating price and invoice adjustments, as in the present claimed invention.

The Rejection cites Figure 3 of Litzow as disclosing "recalculating purchase pricing" and thus, anticipating the present claimed invention. Applicant respectfully disagrees. Nowhere in Figure 3 or the corresponding detailed description in paragraphs [0086] – [0090] is there any mention of "recalculate[ing] purchase price using said contract sales terms". Rather, Litzow merely provides offers of products including cost of product to a consumer based on an evaluation of the individual consumers prior purchase habits and/or an evaluation of a consumer demographic (see Litzow, para. [0054] and [0057]). This is NOT equivalent to the "recalculation" performed by the claimed system. Furthermore, as Litzow goes silent with respect to "contract sales terms of a vendor", Litzow is unable to perform the function of the claimed system. As discussed above with respect to claim 1, the update performed by Litzow is unlike the "update" of the present claimed invention because the data used during the Litzow update (prior purchase data) is wholly unrelated to the data used in the "update" of the present claimed invention ("product sales data and contract sales terms of a vendor"). Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant

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respectfully submits that claim 20 is not anticipated by Litzow. Consequently, withdrawal of the rejection of claim 20 under 35 USC 102(e) is respectfully requested.

CLAIMS 21 and 22-23

Independent claim 21 is considered to be patentable for reasons given in connection with claims 1, 4 and 16. Therefore, the arguments presented above with respect to claims 1, 4 and 16 also apply to claim 21. Specifically, Litzow neither discloses nor suggests "a catalog data processor employing said communication processor in, receiving product usage information including product sales data and contract sales terms of a vendor from a remote application... and communicating product price information to said remote application derived based on said product sales data and contract sales terms of said vendor in response to said identified differences" as in the present claimed invention. Litzow makes no mention or suggestion of the use of "product sales data and contract sales terms" for "communicating price information" that is derived from the "product sales data and contract sales terms". Litzow is concerned with matching a vendor selling a product with the customer most likely to purchase the offered product without resorting to traditional forms of advertising and marketing. The present claimed invention, on the other hand, is concerned with continuously updating and maintaining accurate product pricing based on sales data and contract terms. The purchasing contracts cause the product price to change based on several variables. The system of the present claimed invention is concerned with ensuring that accurate pricing data is used before transactions are generated and sent to a supplier, thus eliminating the need for price and invoice adjustments. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 19 is not anticipated by Litzow. Consequently, withdrawal of the rejection of Claim 21 under 35 USC 102(e) is respectfully requested.

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Dependent claims 22 and 23 are considered to be patentable for the reasons given in connection with claim 21. Thus, it is respectfully submitted that the present invention as claimed in claims 21 and 23 is not anticipated by Litzow. Consequently, withdrawal of the rejection of claims 21 and 23 under 35 USC 102(e) is respectfully requested.

CLAIM 24

Dependent claim 24 is considered to be patentable based on its dependence on claim 21. Therefore, the arguments presented above with respect to claim 21 also apply to claim 24. Claim 24 is also considered to be patentable because Litzow neither discloses nor suggests that the "catalog data processor processes said received product usage information to at least one of, (a) identify incorrect product prices, (b) to recalculate purchase pricing of products in said product usage information, (c) identify purchase contractual discrepancies, and (d) identify items not covered by a purchase contract" as in the present claimed invention. Litzow describes a system for matching vendors selling a product with consumers likely to buy the product based on demographic and purchasing history of a customer. The Rejection erroneously cites item 114 in Figure 4 as disclosing the claimed system because item 114 allows for a request for additional information. Figure 4 of Litzow is concerned with the process of enrolling a customer to enable the customer to receive offers based on prior purchase history. Once enrolled (step 113 in Fig. 4), the Litzow system looks to determine if the customer information acquired in the enrollment step is complete or if any inconsistencies exist. The Litzow system then requests supplemental information (see para. [0092]). This is wholly unlike and unrelated to the present claimed system. Specifically, the Litzow system in Figure 4 is not at all concerned with "received product information". Rather, Litzow, as clearly stated, is concerned with obtaining information about the customer (see para. [0091]). Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow,

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Applicant respectfully submits that claim 24 is not anticipated by Litzow. Consequently, withdrawal of the rejection of Claim 24 under 35 USC 102(e) is respectfully requested.

CLAIM 25

Dependent claim 25 is considered to be patentable based on its dependence on claim 21. Therefore, the arguments presented above with respect to claim 21 also apply to claim 25. Claim 25 is also considered to be patentable because Litzow neither discloses nor suggests that the "catalog data processor recalculates purchase pricing of products using said product sales data and contract sales terms in providing updated product information for communication to said remote application in response to said identified differences" as in the present claimed invention. As discussed above with respect to claim 4, Litzow makes no 35 USC 112 enabling disclosure with regard to a system that "recalculates purchase pricing of products," let alone recalculating the purchase price "using said product sales data and contract sales terms" as in the present claimed invention. Litzow has no reason to recalculate purchase prices because Litzow is concerned with matching consumers with vendors selling products, not with ensuring accurate pricing data is used before transactions are generated and sent to a supplier, thus eliminating price and invoice adjustments, as in the present claimed invention. Thus, as each element of the present claimed invention is neither disclosed nor suggested by Litzow, Applicant respectfully submits that claim 25 is not anticipated by Litzow. Consequently, withdrawal of the rejection of Claim 25 under 35 USC 102(e) is respectfully requested.

CLAIM 26

Independent claim 26 is considered to be patentable because Litzow neither discloses nor suggests "updating said first database information to incorporate received product information in response to detection of a difference between stored product

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information and said received product information" and "automatically modifying at least one element of the updated product information in the first database according to predetermined rules" as in the present claimed invention. Rather, Litzow discloses a system that matches a vendor selling a product with a consumer likely to purchase the product based on consumer demographic information and past purchasing behavior. Litzow provides "the Matching Engine determines a demographic factor for segmentation of markets is necessary, and, it further determines, that information with regard to that factor does not exist for a particular customer, the Matching Engine software will compose a question or series of questions or data queries to determine the existence or non-existence of this factor for that customer" (see para. [0093]). This is unlike the present claimed invention which "automatically modif[ies] at least one element of said updated product information in said first database according to predetermined rules." In other words, the present invention can automatically modify at least one element of product information stored in the database after the database has been updated "to incorporate received product information." The "predetermined rules" provide instruction on how and whether or not a modification is to occur. Furthermore, the modification made in the present system as claimed in claim 26 is made on "updated product information." This feature is neither disclosed nor suggested by Litzow. Consequently, withdrawal of the rejection of claim 26 under 102(e) is respectfully requested.

In view of the above remarks, Applicant respectfully submit that Litzow provides no 35 USC 112 compliant enabling disclosure that anticipates the present invention as claimed in claims 1, 4, 16, 21 and 26. As claims 2 and 3 are dependent on independent claim 1, claims 5 – 15 are dependent on independent claim 4, claims 17 – 20 are dependent on independent claim 16 and claims 22 – 25 are dependent on independent claim 21, it is respectfully submitted that claims 2 – 3, 5 – 15, 17 – 20 and 22 - 25 are also not anticipated

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by Litzow. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

VIII CONCLUSION

Litzow neither discloses nor suggests a system for processing product information for supporting commercial transactions as in the present claimed invention. Litzow neither disclose nor suggest the use of "product sales data and contract sales terms" of a vendor to be used in deriving updated product information to update a database. Additionally, Litzow neither discloses nor suggests "recalculating purchase price" or "purchase pricing information" using "product sales data and contract sales terms" as in the present claimed invention. In fact, Litzow provides no 35 USC 112 compliant enabling disclosure regarding these features and thus, does not anticipate the present claimed invention.

Accordingly it is respectfully submitted that the rejection of Claims 1- 26 should be reversed.

Respectfully submitted,
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Date: April 3, 2006


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APPENDIX I - APPEALED CLAIMS

1. (Previously Presented) A system for processing product information for supporting commercial transactions, comprising:

a first database for maintaining product information including product description, product vendor and associated vendor product pricing information;

a data processor for receiving product information and for updating said first database information to incorporate received product information including product sales data and contract sales terms of a vendor in response to detection of matching records between said received product information and said first database information; and

an interface processor for communicating updated product price information to a system derived based on said product sales data and contract sales terms of said vendor in response to user command.

2. (Previously Presented) A system according to claim 1, wherein

said data processor recalculates purchase pricing of products using said product sales data and detects matching records by matching elements between said received product information and said first database information comprising (a) a matching vendor and (b) a matching information item in a record associated with said matched vendor.

3. (Previously Presented) A system according to claim 2, wherein

said data processor recalculates purchase pricing of products using said contract sales terms and updates said first database information to incorporate received product information in response to manual user data entry of at least one of (a) update approval, (b) product matching information and (c) approval identifying a received product information item matches a corresponding item in said first database.

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4. (Previously Presented) A system for processing product information for supporting commercial transactions, comprising:

a first database for maintaining product information including product description, product vendor and associated vendor product pricing information;

a data processor for receiving product information and for updating said first database information to incorporate received product information including product sales data and contract sales terms of a vendor and recalculates purchase pricing of products using said product sales data and contract sales terms in response to detection of a difference between stored product information and said received product information; and

an interface processor for communicating updated product price information to a system derived based on said product sales data and contract sales terms of said vendor in response to user command.

5. (Original) A system according to claim 4, wherein

said data processor uses updated product information to generate an item of at least one of, (a) a purchase order, (b) a product technical specification, (c) an invoice, (d) an advance shipment notice, (e) an acknowledgement of receipt of a purchase related document, and (f) a purchase order history report, and

said system communicates said generated item to a remote application.

6. (Previously Presented) A system according to claim 4, wherein

said data processor processes said received product information to at least one of, (a) identify incorrect product prices, (b) identify purchase contractual discrepancies, and (c) identify items not covered by a purchase contract.

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7. (Original) A system according to claim 4, wherein

said data processor updates said first database information to incorporate received product information in response to a difference between stored product information and said received product information comprising at least one of, (a) a difference in a product price information, (b) a difference in a product vendor information, (c) a difference in product inventory, (d) a difference in product pricing structure and (e) a difference in product description information.

8. (Original) A system according to claim 7, wherein

said difference in product pricing structure comprises at least one of, (i) a difference in product price, (ii) a difference in product volume pricing and (iii) a difference in projected future product price structure.

9. (Original) A system according to claim 4, wherein

said system includes a bidirectional communication network, and

said data processor receives product information from a remote second database in response to communicating product usage information to said remote second database using said bidirectional communication network.

10. (Previously Presented) A system according to claim 4, wherein

said received product information includes product usage information comprising at least one of (a) product purchase history data, (b) product parts list data and (c) product transaction related data.

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11. (Original) A system according to claim 4, wherein
said received product information is derived from an Internet compatible second
database comprising an electronic catalog of vendor product information and
said system includes a bidirectional communication network for acquiring product
information from said catalog using Internet compatible communication protocol.

12. (Original) A system according to claim 4, wherein
said system includes a bidirectional communication network, and
said data processor receives product information from a remote second database in
response to communicating product usage information to said remote second database
using said bidirectional communication network.

13. (Previously Presented) A system according to claim 4, wherein
said data processor matches records between said received product information and
said first database information by matching (a) corresponding part numbers, (b)
corresponding item descriptions, (c) corresponding product names and (d) corresponding
UPN codes.

14. (Original) A system according to claim 4, wherein
said data processor automatically synchronizes product information in said first
database with corresponding product information in a remote second database by updating
product information in said first database to match corresponding product information in said
second database in response to at least one of, (a) detection of a difference between product
information in said first database and said second database and (b) periodic update initiation.

15. (Original) A system according to claim 4, wherein

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said data processor synchronizes product information in said first database with corresponding product information in a remote second database by updating product information in said first database to match corresponding product information in said second database in response to manual user data entry of at least one of (a) update approval, (b) product matching information and (c) approval identifying a received product information item matches a corresponding item in said first database.

16. (Previously Presented) A system for processing product information for supporting commercial transactions, comprising:

a bidirectional communication processor supporting communication with a remote application;

a first database for maintaining product information including product description, product vendor and associated vendor product pricing information; and

an update processor for communicating product usage information including product sales data and contract sales terms of a vendor to a remote application employing a second database of product information, and for updating product price information in said first database with corresponding acquired product information derived from said product sales data and contract sales terms in said remote second database using said communication processor in response to detection of a difference between product information in said first database and said second database.

17. (Previously Presented) A system according to claim 16, wherein
said product usage information comprises at least one of (a) product purchase history data, (b) product parts list data and (c) product transaction related data.

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18. (Original) A system according to claim 16, wherein

said update processor stores said acquired product information from said remote second database in a mapping table and uses said mapping table in matching items in said acquired product information with corresponding items in said first database product information.

19. (Original) A system according to claim 16, wherein

said update processor matches product information in said first database with corresponding acquired product information derived from said remote second database by matching, (a) corresponding part numbers, (b) corresponding item descriptions, (c) corresponding product names and (d) corresponding UPN codes.

20. (Previously Presented) A system according to claim 16, wherein

said update processor recalculates purchase pricing of products using said product sales data and contract sales terms and updates said first database.

21. (Previously Presented) A system for maintaining and processing a catalog of product information for supporting commercial transactions, comprising:

a bidirectional communication processor supporting communication with a remote application;

a catalog database for maintaining product information including product description, product vendor and associated vendor product pricing information; and

a catalog data processor employing said communication processor in,

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receiving product usage information including product sales data and contract sales terms of a vendor from a remote application, identifying differences between data in said received product usage information and said catalog database product information, and communicating product price information to said remote application derived based on said product sales data and contract sales terms of said vendor in response to said identified differences.

22. (Previously Presented) A system according to claim 21, wherein
said product usage information comprises at least one of (a) product purchase history data, (b) product parts list data and (c) product transaction related data.

23. (Original) A system according to claim 21, wherein
said catalog data processor receives from a product vendor at least one of (a) product information, and (b) contract term information associated with said product information,

24. (Original) A system according to claim 21, wherein
said catalog data processor processes said received product usage information to at least one of, (a) identify incorrect product prices, (b) to recalculate purchase pricing of products in said product usage information, (c) identify purchase contractual discrepancies, and (d) identify items not covered by a purchase contract.

25. (Previously Presented) A system according to claim 21, wherein
said catalog data processor recalculates purchase pricing of products using said product sales data and contract sales terms in providing updated product information for communication to said remote application in response to said identified differences.

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26. (Previously Presented) A method for processing product information for supporting commercial transactions, comprising the steps of:

maintaining, in a first database, product information including product description, product vendor and associated product pricing information;

receiving product information from a remote application;

updating said first database information to incorporate received product information in response to detection of a difference between stored product information and said received product information;

automatically modifying at least one element of the updated product information in the first database according to predetermined rules, and

initiating display of at least one of updated and modified product information in response to user command.

27. (Cancelled)

28. (Cancelled)

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APPENDIX II - EVIDENCE

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

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APPENDIX III - RELATED PROCEEDINGS

Applicant respectfully submits that there are no proceedings related to this appeal in which any decisions were rendered.

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APPENDIX IV - TABLE OF CASES

No cases are relied on in this Appeal Breif.

APPENDIX V - LIST OF REFERENCES

<u>U.S. Pat. App. Pub. No.</u>	<u>Pub. Date</u>	<u>Inventors</u>
US 2003/0093414 A1	May 15, 2003	Litzow et al.

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